

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 58371

Harry W. Wisner
Janet L. Redman

8104 Edwill Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 3, 2009, for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1; Baltimore County Code (BCC) section 13-7-310, 312 failure to remove all trash/junk/debris from residential property zoned DR 10.5 known as 8104 Edwill Avenue, 21237.

On May 7, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Jason Seidelman issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 17, 2009 for daily cleanup of animal feces from rabbits and dogs; removal of all trash, junk and debris from property; removal of stagnant water from items in rear of property. This Citation was issued on May 7, 2009.

B. Previous citations and civil penalties, specifically \$500 in 2007 and \$1,000 in 2008, have been imposed on Respondents for similar code violations.

C. Photographs in the file show junk and debris in the rear yard, including car parts and discarded tarpaulins and containers, and large garbage cans full of debris without lids. This violates prohibitions against accumulation of trash and debris on residential property, and creation of possible harborage for rats.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$400.00 (four hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) if the trash, junk and debris is removed by July 1, 2009. If Respondents fail to correct the violation by that date, the full \$400.00 (four hundred dollars) civil penalty will be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9th day of June 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf